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EXAMINER

USTARIS, JOSEPH G

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 07/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/731,262

Applicant(s)

RAINVILLE ET AL.

Examiner

Joseph G Ustaris

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Specification*

1. The abstract is objected to because of the following informalities:
  - The abstract exceeds the maximum word length of 150 words. Please revise the abstract's contents in order to meet the proper format of an abstract.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Butler et al. (US20020007493A1).

Regarding claim 1, Butler et al. (Butler) discloses a system that provides enhance content with broadcast video. Butler discloses that the receivers or "display generator" include a video subsystem for combining ancillary data, which include graphics or "a graphics image" (See paragraph 0062), and broadcast video or "television video image" (See Fig. 2 and 5; paragraph 0009). The ancillary data are sent

as HTML files or “graphics image being defined by an HTML syntax” and the broadcast video is “derived from a real time television signal” (See Fig. 1; paragraph 0032). The receiver includes a processor that renders the “graphics image to form” an overlay or “rendered graphics image” (See paragraph 0019 and 0051), where inherently the processor follows the HTML code for “for parsing, layout and rendering”. Furthermore, Butler discloses that the overlays are stored in a cache storage or “graphics memory” where it can be retrieved for later use (See paragraph 0055). The receiver further includes a receiver or “television video receiver” for output video broadcasted over the network or “having an output forming said television video image” (See paragraph 0032). The video subsystem or “video combiner” receives the overlays from the cache storage and the broadcast video from the receiver to combine the overlays with the broadcast video to produce a “combined display of said graphics image and said television video image” (See paragraph 0036), where inherently the “individual pixels of said rendered graphics image” are combined with “respective individual pixels of said television video image” in order to produce the desired display with both the overlays and broadcast video.

Claim 10 contains the limitations of claim 1 (wherein the system performs the method) and is analyzed as previously discussed with respect to that claim.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Butler et al. (US20020007493A1) in view of Mugura et al. (US006243142B1).

Claim 2 contains the limitations of claim 1 and is analyzed as previously discussed with respect to that claim. However, Butler does not disclose a "transparency control input terminal" that combines the overlay and broadcast video "in a proportion determined by a control signal applied to transparency control input terminal".

Mugura et al. (Mugura) discloses a system for generating an electronic menu to be displayed along with program broadcast or broadcast video. The user of the system can select the level of transparency applied to the electronic menu when displayed with the video or combining overlay and broadcast video "in a proportion determined by a control signal applied to transparency control input terminal" (See column 15 line 58 – column 16 line 42). Inherently the system includes a "transparency control input terminal" in order to successfully apply the various levels of transparency selected by the user. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the video subsystem disclosed by Butler to be responsive to a "transparency control input terminal" that combines the overlay and broadcast video "in a proportion determined by a control signal applied to transparency control input terminal", as taught by Mugura, in order to minimize the obstruction of the video of the broadcast by the graphics.

Claim 11 contains the limitations of claims 2 and 10 and is analyzed as previously discussed with respect to those claims.

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Butler et al. (US20020007493A1) in view of Lawler et al. (US005907323A).

Claim 3 contains the limitations of claim 1 and is analyzed as previously discussed with respect to that claim. However, Butler does not disclose a “size control input terminal” and a “video resizing module” that resizes the broadcast video in response “to a size control input to scale said television video image by a factor determined by said size control input”.

Lawler et al. (Lawler) discloses a system for generating an interactive system user interface images or graphics to be displayed along video or broadcast video. The system is able to resize and position the video within the interface in response to commands received from the CPU or to resize the broadcast video in response “to a size control input to scale said television video image by a factor determined by said size control input” (See Fig. 3A element 94; column 4 line 64 – column 5 line 11). Inherently, the system includes a “size control input terminal” and a “video resizing module”, where inherently an input is provided to the receiver and an output is provided to the mixer or video subsystem, in order to successfully resize and position the video within the interface (See Fig. 2 and 3A). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the receiver and video subsystem disclosed by Butler to include a “size control input terminal” and a

“video resizing module” that resizes the broadcast video in response “to a size control input to scale said television video image by a factor determined by said size control input”, as taught by Lawler, in order to provide more control over how much space the video will occupy over the graphics.

Regarding claim 4, the CPU also sends commands that control the positioning of the video or to position the broadcast video at “a position determined by said position control input” as discussed in claim 3 above. Where inherently the system includes a “position control input” in order to successfully position the video within the interface. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the receiver and video subsystem disclosed by Butler to further include a “position control input” that positions the broadcast video at “a position determined by said position control input”, as taught by Lawler, in order to provide more control over where the video will be placed over the graphics.

Claims 5-9, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Butler et al. (US20020007493A1) in view of Kanungo (US20030056215A1) and Kurita et al. (US005970511A).

Claim 5 contains the limitations of claim 1 and is analyzed as previously discussed with respect to that claim. However, Butler does not disclose a “television video HTML statement defining a television video HTML object” to provide instructions to the video subsystem to “position said television video image in said graphics image to form said combined display”.

Kanungo discloses a system where a web page or also known as a "graphics image" is displayed on a television. Within the web page is a video area or "television video HTML object" that "positions said television video image in said graphics image to form said combined display" (See Fig. 2, Fig. 3A-3D elements 304, Fig. 8A "coordinates of video display"). Kanungo also discloses that the video area of the web page can be implemented as a part of the page described by HTML language (See paragraph 0050).

Kurita et al. (Kurita) discloses a system that uses HTML language to provide information to the users. The system utilizes HTML standards to call or load a moving picture file or video, i.e. <video src=http://nearhostY/eee.mpg> or "video HTML statement" (See Fig. 7 and Fig. 8 element B), where it is well known that HTML includes various commands that involve positioning objects, such as video, within a web page.

Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the receiver and video subsystem disclosed by Butler to display the broadcast video as a "television video HTML object" within a web page at a desired position or "position said television video image in said graphics image to form said combined display", as taught by Kanungo, and to include an "television video HTML statement" to provide instructions to the video subsystem, as taught by Kurita, in order to provide seamless integration of video and web page data by using an established and well known language thereby increasing the amount of entertainment provided to the user.

Regarding claim 6, Butler in view of Kanungo and Kurita discloses that the web page can set the channel and frequency of the receiver or "to determine the channel



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selected by said television receiver" (See Kanungo paragraph 0061) by loading a JAVA applet. Official Notice is taken that it is well known to utilize HTML language to load JAVA applets. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the "television video HTML statement" disclosed by Butler in view of Kanungo and Kurita to include commands that load the JAVA applet to "determine the channel selected by said television receiver" in order to expand the functionality of the system thereby providing more features to the user.

Regarding claim 7, Butler in view of Kanungo and Kurita discloses that the receivers reads and follows the HTML instructions (See Butler paragraph 0051). However, Butler in view of Kanungo and Kurita does not disclose a size command within the "television video HTML statement".

Official Notice is taken that it is well known that HTML language contains various commands that set the size of objects or "determine the size of said television video HTML object in said rendered graphics image". Therefore, it would have been obvious to one with ordinary skill in the art at the time to modify the "television video HTML statement" disclosed by Butler in view of Kanungo and Kurita to include commands that set the size of the video display area or "determine the size of said television video HTML object in said rendered graphics image" in order to provide more control over how big the video display is in respect to that graphics.

Regarding claim 8, Butler in view of Kanungo and Kurita discloses that the receivers reads and follows the HTML instructions (See Butler paragraph 0051).

However, Butler in view of Kanungo and Kurita does not disclose a position command within the "television video HTML statement".

Official Notice is taken that it is well known that HTML language contains various commands that set the position of objects or "determine the position of said television video HTML object in said rendered graphics image". Therefore, it would have been obvious to one with ordinary skill in the art at the time to modify the "television video HTML statement" disclosed by Butler in view of Kanungo and Kurita to include commands that set the position of the video display area or "determine the position of said television video HTML object in said rendered graphics image" in order to provide more control over where the video display is in respect to graphics.

Regarding claim 9, Butler in view of Kanungo and Kurita discloses that the "television video HTML statement" is given by <video src=http://nearhostY/eee.mpg> (See claim 5 above). However, Butler in view of Kanungo and Kurita does not disclose that the "television video HTML statement" includes the commands: (1) "SRC specifies the source as the Frequency or Channel Number", (2) "HEIGHT specifies the height of said television video HTML object", (3) WIDTH specifies the width of said television video HTML object, and (4) BORDER specifies the border around said television video HTML object".

(1) Official Notice is taken that it would have been obvious to specify a "frequency or Channel Number" of the video object as the source or "SRC" in the "television video HTML statement" in order to be able to point the system to the proper

source in order to display a video stream delivered through the broadcast network on the display screen along with the web page (See Butler Fig. 1).

Furthermore, Official Notice is taken that it is well known that HTML language contains various commands that performs certain functions, such as (2) HEIGHT that specifies the height of the video object, (3) WIDTH that specifies the width of video object, and (4) BORDER that specifies the border around the video object. Therefore, it would have been obvious to one with ordinary skill in the art at the time to modify the "television video HTML statement" disclosed by Butler in view of Kanungo and Kurita to include commands such as (2) HEIGHT, (3) WIDTH, and (4) BORDER in order to provide more control over how the video object is displayed in respect to graphics.

Claim 12 contains the limitations of claims 5 and is analyzed as previously discussed with respect to that claim.

Claim 13 contains the limitations of claims 6 and 12 and is analyzed as previously discussed with respect to those claims.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please take note of Shimomura et al. (US006526580B2) for their similar method of providing a web page that also displays broadcast video.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Ustaris whose telephone number is (703) 305-


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0377. The examiner can normally be reached on Monday-Friday with alternate Fridays off from 7:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380. The fax phone number for this Group is (703) 872-9306.

Any inquiry of general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (703) 305-4700.

  
JGU  
July 9, 2004

  
VIVEK SRIVASTAVA  
PRIMARY EXAMINER